

WHAT YOU CAN DO

Army Emergency Relief (AER)

AER provides emergency financial assistance to service members of all service branches and their family members who are facing urgent financial hardships. AER can provide funds to assist with urgent needs for rent, utilities, food, emergency travel, repair of essential privately owned vehicle, non-receipt of pay funeral expenses, emergency medical or dental expenses, and clothing after fire or other disasters.

AER does not normally assist with legal expenses, debt payments, bad check fees or penalties, marriage or divorce. AER also does not normally assist with living expenses while service members are on ordinary leave. AER allocates funds based on emergency need, rather than loss. For more detailed information, please go to www.aerhq.org and Army Regulation 930-4. http://www.apd.army.mil/pdffiles/r930_4.pdf.

POC: Rich Zimmelman, USAG-M/DMWR
DSN 567-2645, (305) 437-2645
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Set-Aside Housing Program

Provides SM a list of available apartments, condos, townhouses, homes whose owners have agreed to rent to the military.

Benefits: No security deposit required; no application fees-no prequalification; all military ranks are eligible regardless of credit history. Includes addendums to the lease to cover military clause and foreclosure clause. SM can also solicit their own landlords.

How it Works: SM locates housing either from Housing List or on their own. Housing informs Landlord about Set Aside Program, and if willing to participate, Housing Manager works with SM and landlord to enroll them in program. SM starts allotment through housing office to pay rent. Landlord signs memorandum of agreement with housing.

POC: Teresina Monroe, Housing Office,
DSN 567-2656, commercial (305) 437-2656
Teresina.Monroe@hq.southcom.mil

RESOURCES

Family Housing Program

Provides government leased housing (apartments, condos, townhouses) in the local area for E-6 and below. Currently looking into expanding program to all ranks.

Benefits: Utilities included, property insured by the U.S. Government, thus in the event of disaster, SM can make a claim against the Government for loss or damage to his/her personal property.

How it Works: SM reports to housing with PCS orders for in-processing; house offer made, SM looks at the property; and if accepted, SM signs for property.

POC: Carlos Rodriguez, Housing Office
DSN 567-2664, commercial (305) 437-2664
carlos.f.rodriguez@hq.southcom.mil

Your Resources and Websites

SC Chain of Command:
www.southcom.mil

United States Army Garrison – Miami
www.southcom.mil/usag-miami/sites/local/default.asp

Housing information:
www.southcom.mil/AppsSC/pages/housing.php

Army Emergency Relief (AER)
(305) 437-2645/2665
www.aerhq.org

Broward County Chamber of Commerce
(954) 565-5750
www.browardbiz.com

Miami Chamber of Commerce: (305) 350-7700
www.greatermiami.com

Florida Residential Landlord and Tenant Act:
www.flsenate.gov



Service Member's Rental Guide



OVERVIEW

Foreclosure Problem

Southern Florida renters are facing higher than normal eviction notices due to bank foreclosures on faulty rental property mortgages. The housing market decline, coupled with rising interest rates on loans, has caused increased foreclosure filings, which has caused renting service members (SM) financial hardships. An additional potential problem is significant rent increases as mortgage interest rates continue to adjust upward.

Southern Florida is at the forefront of the national foreclosure problem. Florida ranks 3rd behind Nevada (1) and California (2) – Approximately 300,000 foreclosures in Florida in 2007. South Florida runs #1 in foreclosures in the State. Miami-Dade County averaged 6,500 foreclosures per quarter in 2007 with 26,400 (approx) new foreclosure filings in 2007. Broward County averaged 5,800 per quarter in 2007 with 23,500 (approx) new foreclosure filings in 2007. The foreclosure problem has gotten dramatically worse between 2006-2007. If the foreclosure problem continues to deteriorate in Florida, as most projections indicate, the problem may affect increasingly more SOUTHCOM members.

What We Can Do To Help

Renters facing foreclosure issues should contact the Financial Readiness Program Office at (305) 437-2645/2665 as soon as possible. The Financial Readiness Program Manager (FRPM) will assist you, and based on your emergency needs, may be able to provide emergency funds from one of four Military Emergency Relief agencies. The FRPM will also provide referrals to the USAG-M Legal and Housing Offices to help identify your legal and relocation options.

FRPM may also provide you with referrals to nonprofit agencies that can assist (in some cases) with additional emergency funds and to government agencies that can provide guidance in filing small claims actions against your landlord.

WHAT SERVICE MEMBERS SHOULD KNOW

What You Can Do To Help Yourself

- ❖ Check address of rental property via websites.
- ❖ Check homeowners' mortgage information.
- ❖ Examine the loan type and the amount financed. Most foreclosures are 80/20 loans with adjustable rates.
- ❖ Determine amount financed, add taxes, determine insurance cost, and determine whether or not the rent payment is close to the same amount the homeowner should charge to cover his/her mortgage.
- ❖ Check for clauses allowing tenant the right to cancel lease if the landlord has any lien or 'lis pendens' filed against the property.

How To Check Landlords

- ❖ As a potential renter, you can obtain useful information by checking landlords using the following websites:
- ❖ Miami-Dade County Homeowners Information. Go to: www.miamidade.gov/pa/property_search.asp; click on Begin Search; type in the address of the rental property; this will give you information on homeowner's name and payment of property taxes.
- ❖ Broward County Homeowners Information. Go to: www.bcpa.net/RecMenu.asp; type in the address of the rental property; this will give you information on homeowner's name and payment of property taxes.
- ❖ Broward County Homeowners' Mortgage Information. Go to: <http://205.166.161.12/oncoreV2/>; type in the name of the homeowner; this will give you mortgage, lien, and all legal action information.

LEGAL FACTS

Legal Considerations

Caution: The following is for informational purposes only. You should always seek legal counsel before deciding what action(s) to take. The USAG-M Legal Office stands ready to assist you in providing initial consultations concerning your foreclosure issues.

Your Rights

Florida Statute 83.682 provides that a service member may terminate his/her lease, with a 30-day notice, upon receipt of temporary duty orders, temporary change of station orders, or active duty orders to an area 35 miles or more from location of the rental premises, provided such orders exceed 60 days.

Currently there is no legal precedent providing a tenant with legal justification for early lease termination or rent withholding under Florida Statutes 83.51, 83.56, and 83.60 solely because the tenant was advised that the landlord is being foreclosed upon.

Claims of mental anguish caused by foreclosure proceedings do not amount to a claim of uninhabitability under Florida landlord and tenant law.

Legal Services

The USAG-M legal office can provide families free legal assistance for those facing foreclosure issues as well as information on how to receive benefits if desired.

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Servicemembers' Civil Relief Act (SCRA)

SCRA does not provide relief to military tenants in a foreclosure proceeding.

SCRA does allow a judge, when a member or his/her dependents are being evicted, to stay the eviction for up to 90 days.

SCRA provision does not prevent the eviction, it only delays it and provides a fair process.